1952.

File No. O Medical /52

P7E Legal Deptt.

A BRANCH

Subject:— Opinions under the Bombay Medical Act 1912

File No. O Medical /52

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302-A

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No.2027
Office of the
Remembrancer of Legal Affairs.
Bombay Castle, 8th February 1952.

To
The Surgeon General with the Government of Bombay,
BOMBAY.

Subject:- Powers of the Bombay Medical Council to enforce the attendance witnesses.

Sir,

With reference to your letter No.S.95/B, dated the 24th January 1952, I have the honour to forward herewith my opinion in the above matter.

Yours faithfully,

Sd/- P. M. Lad.

Remembrancer of Legal Affairs.

EKM.19/6/

Office of the R.L.A.

There is no provision either in the Bombay Medical Act, 1912, or in the Rules made thereunder empowering the Council either to enforce the attendance of witnesses or to fix the liability to pay the expenses of witnesses. In fact rule 85 contemplates that the parties should produce their witnesses and to bear their expenses.

Sd/ P. M. Lad.

Remembrancer of Legal Affairs.

KM.19/6/

L.D.R. I.No.4387 dt.1.3.52.

A medical practitioner has applied to this Council for registration of his qualification L.M.P. (Burma Medical Examination Board),1930. The said qualification is registrable under para one of the Schedule to the Bombay Medical Act, 1912, and entitles its holder to registration under section 7(2) of the Act. The question raised for the consideration of the R.L.A. is whether the qualification being one granted by an authority outside the territory of India, the application falls within the purview of clause (b) of sub-sect. 1 of sect.7.

Since the practitioner possesses the qualifications described in para of the schedule to the Bombay Medical Act, 1912, he shall be entitled to be registered under section 7(2) of the Act.

RLL.A. Sd/ P.M.Lad.

EXH.19/6/

Office of the H,L,A.

Seen and returned.

Sd/ P.M.Lad.

Remembrancer of Legal Affairs.

U.R. to L.S.G.& P.H.D.No.67492, dated 30th April 1952.

EKM.19/6/

LEGAL DEPARTMENT.

It appears from the Surgeon General's report that no regular classes for M.C.P.S. are held in the Grant Medical College but that students studying for the First M.B.B.S. Examination course are eligible for appearing at the First M.C.P.S. Examination. The College of Physicians and Surgeons, Bombay, also permits such students to appear at the First M.C... . Examination. para (2) of the draft Regulation proposed by the Suregon General and approved by Government at page 47 may therefore be made by the College of Physicians and Surgeons and not by the Grant Medical College is competent to make a regulation that a student who had failed 4 times successively to pass his First M.B.B.S. Examination should not be allowed to prosecute his studies in the medical college for that examination or the first M.C.P.S. Examination. Para (3) of the Regulation does not now survive.

Sd/
Deputy
Additonal Secretary to Government.

U.R. to L.S.G. & P.H.D.No.19118/B, dated the 17th November 1952.

M.19/6/

Office of the R.L.A.

Bombay Medical Act, 1912,- amendment of rules made under- Empowering Council to public reports about removal of name of a practitioner from the medical register.

Attention is invited to R,L. A's opinion No.16552/A, dated the 8th October 1952 (copy attached). As pointed out therein the publication of ~~removalxof~~ the report about the removal of the name of a medical practitioner from the medical register on the ground of unprofessional conduct is in the public interest and it would be previleged. There would, therefore, be no legal objection to the Bombay Medical Council pbblisheing such reports in the medical or la, press even without the amendment of the rules. There is, however, no objection to amend the rules as proposed in these papers specifically empowering the Council to publish such reports.

Sd/ P. M. Lad.

Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D.No.21253/A dated the 7th December 1952.

EKN.20/6/